

8 July 1955

MEMORANDUM FOR: DDS

SUBJECT : Commission on Government Security

There is attached herewith a copy of S. J. Res. 21, as reported in the Senate, establishing a Commission on Government Security. The President would appoint four members, two from the Executive Branch and two from private life; the Vice President and the Speaker would also each appoint four members one-half of whom would come from private life. The Commission's function would be to study the entire Government security program. An explanation of this resolution is contained in Senate Report No. 581, a copy of which is attached. The Director of Security advised me in March 1955, that it was important from their standpoint that the provisions of Section 8 be retained as a basis for exempting CIA where security considerations require it. You will note from the attached Resolution, which has now passed the Senate, that the provisions of Section 8 have been retained and in fact have been somewhat strengthened so that it would appear that CIA is adequately protected.

H. J. Res. 157, which is virtually identical with S. J. Res. 21, has now passed the House and this also contains a section identical with the original version of S. J. Res. 21, which is, therefore, satisfactory to the security requirements of CIA. The two bills will now go to conference and the minor differences between them will be ironed out. A copy of House Report No. 911 on H. J. Res. 157 is attached.

Walter L. Pforsheimer
Legislative Counsel

Enclosure: 3

2 - Addressee
1 - Mr. Kirkpatrick

1 - Director of Security

Calendar No. 586

84TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 581

ESTABLISHING A COMMISSION ON GOVERNMENT SECURITY

JUNE 17 (legislative day, JUNE 14), 1955.—Ordered to be printed

Mr. HUMPHREY, from the Committee on Government Operations,
submitted the following

R E P O R T

[To accompany S. J. Res. 21]

The Committee on Government Operations, to whom was referred the resolution (S. J. Res. 21) to establish a Commission on Government Security, having considered the same, report favorably thereon, with amendments, and recommend that the resolution, as amended, do pass.

SUMMARY OF SENATE JOINT RESOLUTION 21

Senate Joint Resolution 21 would establish a 12-member nonpartisan Commission, patterned after the Commission on Organization of the Executive Branch of the Government, to study all phases of the Government's security programs and procedures, and to submit appropriate recommendations. The President would appoint 4 members to the Commission, 2 from the executive branch and 2 from private life; the President of the Senate would appoint 4 members, 2 from the Senate and 2 from private life; and the Speaker of the House of Representatives would appoint 4 members, 2 from the House and 2 from private life. No more than two appointees of each could be from the same political party. The Commission would elect its Chairman and Vice Chairman from among its members.

The Commission's function would be to study the entire Government security program, including the various statutes, Presidential orders, regulations, and directives under which the Government seeks to protect the national security, national defense secrets, and public and private defense facilities against loss or injury from espionage, disloyalty, subversive activity, sabotage, or unauthorized disclosures, together with the actual manner in which these statutes, orders, regulations, and directives are being administered, to determine whether the overall security program is in accord with the policy of

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the Congress, stated in section 1, that there shall exist a sound Government program—

(a) establishing procedures for security investigations and clearance for Government employees and persons privately employed or occupied on work requiring access to national secrets or affording significant opportunity for injury to the national security;

(b) for vigorous enforcement of effective and realistic security laws and regulations; and

(c) for a careful, consistent, and efficient administration of this policy in a manner which will protect the national security and preserve basic American rights.

The Commission would, on the basis of this study, submit reports and recommendations on desirable changes, and on adequacies or deficiencies in the present situation from the standpoints of internal consistency of the overall program, effective protection and maintenance of the national security, and protection and preservation of basic American rights.

The Commission would be empowered to hold hearings, to administer oaths, and to subpoena attendance, testimony, and production of books, records, correspondence, memoranda, papers, and documents, as it deems advisable. All agencies and departments would be authorized and directed to cooperate fully with the Commission and to furnish such information as the Commission may request, except for such information as the President may determine might jeopardize or interfere with pending or prospective criminal prosecutions, with the carrying out of investigative or intelligence responsibilities, or with the interests of national security.

THE COMMITTEE'S METHOD OF PROCEDURE

The Subcommittee on Reorganization of this committee, to whom Senate Joint Resolution 21 was referred for consideration, held extensive hearings over a 2-week period in the effort to obtain a clear view and understanding of the anatomy of the Government's overall security mechanism, and to delineate any problems which might be found to exist in the overall security mechanism which would indicate the necessity for further study by a commission, such as is contemplated in Senate Joint Resolution 21, or by some other body. The Department of Justice specifically endorsed the subcommittee's broad approach to the security question. The subcommittee did not seek, however, to explore in detail each and every phase of the security mechanism, since this did not appear feasible from the standpoint of its resources and the practical considerations of time. Such an effort would, moreover, duplicate the work of the Commission which would be established if Senate Joint Resolution 21 is approved. Consequently, attention was focused on a few areas of the overall security mechanism which appeared on the surface to present substantial problems.

The subcommittee requested testimony of those Government agencies which appeared to have the principal responsibilities or greatest experience in the security field, or in connection with whose activities significant security problems seemed to exist. The agencies requested to appear were the Department of Justice, the Department

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of Defense, the Atomic Energy Commission, the Department of State, the Civil Service Commission, the United States Coast Guard, the Federal Civil Defense Administration, and the District of Columbia Office of Civil Defense. The Federal Bureau of Investigation was also invited to testify but declined on the grounds that the Department of Justice would represent its position.

In addition, in recognition of the fact that the Government security mechanism has substantial implications beyond the area of purely governmental activities, the subcommittee requested testimony from representative private organizations with special experience or interest in security matters. Other organizations, in addition to those asked by the subcommittee to testify, requested and were granted the opportunity to appear before the subcommittee or to submit written statements.

THE NECESSITY FOR ESTABLISHMENT OF A COMMISSION ON
GOVERNMENT SECURITY

The committee is in accord with the objectives and provisions of the joint resolution (21) to establish a Commission on Government Security and recommend that the resolution as amended by the committee be adopted. The evidence before the committee shows that our security system has developed in a gradual and piecemeal manner over the past decade. It should receive a careful, comprehensive review by the representative bipartisan Commission proposed in this bill.

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